

SECOND REGULAR SESSION

# HOUSE BILL NO. 1937

91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARRY.

Read 1<sup>st</sup> time February 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4680L.011

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## AN ACT

To repeal sections 324.147, 324.150 and 324.171, RSMo, and to enact in lieu thereof three new sections relating to the licensure of clinical perfusionists.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 324.147, 324.150 and 324.171, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.147, 324.150 and 324.171, to read as follows:

324.147. 1. A license as a provisional licensed clinical perfusionist may be issued by the board to a person who has successfully completed an approved perfusion education program and upon the filing of an application, payment of an application fee and the submission of evidence satisfactory to the board of the successful completion of the education requirements as provided in section 324.136.

2. A license as a provisional licensed clinical perfusionist may also be issued by the board to a person who has held a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, or its successor, unless the person's certificate has lapsed for reasons other than disciplinary action by the American Board of Cardiovascular Perfusion. The board shall adopt rules to ensure that the person is actively seeking to obtain a current certification by the American Board of Cardiovascular Perfusion as a means of obtaining a license as a clinical perfusionist pursuant to subdivision (2) of section 324.150.

3. A provisional licensed clinical perfusionist shall be under supervision and direction of a licensed clinical perfusionist at all times during which the provisional licensed clinical

**EXPLANATION** — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 perfusionist performs perfusion. The board may adopt rules governing such supervision and  
17 direction which do not require the immediate physical presence of the supervising licensed  
18 clinical perfusionist.

19 [3.] **4.** A provisional license shall be valid for one year from the date it is issued and may  
20 be renewed, subject to rules adopted by the board, by the same procedures established for the  
21 renewal of licenses pursuant to section 324.144, if the application for renewal is signed by a  
22 supervising licensed clinical perfusionist.

23 [4. If the person] **5. If a provisional licensed clinical perfusionist who obtains a**  
24 **provisional license pursuant to subsection 1 of this section** fails any portion of the licensure  
25 examination, such person shall surrender the person's provisional license to the board.

324.150. On receipt of an application and application fee, the board may waive the  
2 examination and educational requirements for an applicant who at the time of application:

3 (1) Is appropriately licensed or certified by another state, territory or possession of the  
4 United States, if the requirements of such state, territory or possession for the license or  
5 certificate are substantially equivalent to the requirements of sections 324.125 to 324.183 as  
6 determined by the board; or

7 (2) Holds a current certificate as a certified clinical perfusionist **initially** issued by the  
8 American Board of Cardiovascular Perfusion, or its successor, prior to August 28, 1997.

324.171. [The board shall revoke or suspend a license, place on probation a person  
2 whose license has been suspended or reprimand a license holder if there is proof of] **1. The**  
3 **board may refuse to issue any certificate of registration or authority, permit, or license**  
4 **required by sections 324.125 to 324.183 for one or any combination of causes listed in**  
5 **subsection 2 of this section. The board shall notify the applicant in writing of the reasons**  
6 **for the refusal and shall advise the applicant of the applicant's right to file a complaint**  
7 **with the administrative hearing commission as provided in chapter 621, RSMo.**

8 **2. The board may cause a complaint to be filed with the administrative hearing**  
9 **commission as provided in chapter 621, RSMo, against any holder of any certificate of**  
10 **registration or authority, permit, or license required by sections 324.125 to 324.183 or any**  
11 **person who has failed to renew or has surrendered his or her certificate of registration or**  
12 **authority, permit, or license for any one or combination of the following causes:**

- 13 (1) Any violation of sections 324.125 to 324.183;  
14 (2) Any violation of a rule or code of ethics adopted by the board; or  
15 (3) Unprofessional conduct, which includes, but is not limited to, the following:  
16 (a) Incompetence or gross negligence in carrying out usual perfusion functions;  
17 (b) A conviction of practicing perfusion without a license or a provisional license;  
18 (c) The use of advertising relating to perfusion in a way that violates state law;

- 19 (d) Procuring a license or provisional license by fraud, misrepresentation or mistake;  
20 (e) Making or giving any false statement or information in connection with the  
21 application for a license or provisional license;
- 22 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
23 functions and duties of a perfusionist, in which event the record of the conviction shall be  
24 conclusive evidence of such offense; or
- 25 (g) Impersonating an applicant or acting as proxy for an applicant in any examination  
26 required pursuant to sections 324.125 to 324.183 for the issuance of a license.
- 27 **3. After the filing of such complaint, the proceedings shall be conducted in**  
28 **accordance with chapter 621, RSMo. Upon a finding by the administrative hearing**  
29 **commission that the grounds in subsection 2 of this section for disciplinary action are met,**  
30 **the board may, singly or in combination:**
- 31 (1) Reprimand or place the person on probation on such terms and conditions as  
32 the board deems appropriate for a period not to exceed ten years; or
- 33 (2) Suspend the person's license, certificate, or permit for a period not to exceed  
34 three years; or
- 35 (3) Revoke the person's license, certificate, or permit.